

APPLICANTS:
David and Shirley Spearin

REQUEST: A variance to locate a sunroom
within the required rear yard setback

HEARING DATE: June 9, 2004

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS
Case No. 5424

ZONING HEARING EXAMINER'S DECISION

APPLICANTS: David and Shirley Spearin

LOCATION: 1314 Southwell Lane, Parliament Ridge, Bel Air
Tax Map: 48 / Grid: 1E / Parcel: 436 / Lot: 131
Third Election District

ZONING: R2 / Urban Residential

REQUEST: A variance pursuant to Section 267-36B, Table V of the Harford County Code to allow a sunroom within the 40 foot rear yard setback.

TESTIMONY AND EVIDENCE OF RECORD:

Shirley Spearin, Applicant, testified that the subject property is currently improved by an existing covered patio located on the back side of the house. She wishes to convert that roofed patio area to a heated sunroom, enclosed with glass and screen. The construction of the sunroom would require a 9 foot variance as it would be located approximately 9 feet within the required 40 foot rear yard setback. The sunroom would not extend beyond the footprint of the current roofed patio area.

Ms. Spearin stated that her house sits back farther from Southwell Lane than others in the neighborhood. Because of this unusual feature of her property, she cannot build the required sunroom without a variance to the rear yard setback. Ms. Spearin has talked to the neighbors in the subdivision. None have any objection. She states that there are other similar enclosed sunrooms in her neighborhood.

Next for the Applicant testified Kenneth Easter, the Applicant's neighbor who resides at 1316 Southwell Lane. Mr. Easter was one of the original residents of the subdivision, having moved into the neighborhood in July of 1984. At that time the subject property was occupied by a resident for whom the dwelling was specially built. As a result, the dwelling on the subject property is different from any other home in the subdivision. All other homes are either split-level, bi-level, or two stories. Ms. Spearin's house is a single story rancher. Also, the subject property contains a garage located on the front of the house. This configuration causes the dwelling part of the house to be much farther off the street, and much farther behind the front yard setback, than any other home in the neighborhood.

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Mr. Easter has no objection to the proposed use. He feels it would have no adverse impact on the neighborhood. He feels there is no need for any special conditions for landscaping. The subject property is beautifully taken care of.

Next for the Applicant testified Jeff Tice, of Patio Enclosures, Inc. Mr. Tice testified that the enclosed sunroom would not be any closer to the rear yard lot line than is the existing covered patio. The construction of the enclosed sunroom would be mostly glass and screen.

The Harford County Department of Planning and Zoning Staff Report indicates that the property is unique. The house is located substantially behind the minimum building setback line which reduces the buildable area to the rear of the dwelling. The Staff Report found that there would be no adverse impact if the variance were granted. The Staff Report does not recommend screening, finding that there is sufficient, established landscape buffering on-site.

There was no evidence or testimony presented in opposition.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

“Variances.

A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

(1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.

(2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.

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- C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Testimony and the Staff Report, with attachments, make it abundantly clear that the Applicant's property is unique. It contains a dwelling which is different from all other dwellings in the neighborhood. The house on the subject property is a single story rancher, set well back from the street. As a result, it has a reduced rear yard. These features are different from all other properties in the neighborhood.

At the same time, there exist other similar enclosed sunrooms within the neighborhood. It is further found that the proposed variance, if granted, would have no adverse impact on the neighbors or neighborhood.

It is accordingly found that the property exhibits unique characteristics which cause the Applicant a hardship. That hardship is her inability to enclose an existing patio so as to create a sunroom similar to what others in the neighborhood now own and enjoy.

CONCLUSION:

For the above reasons, it is accordingly recommended that the requested variance be granted.

Date: June 28, 2004

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner